

## **DEFINITIONS** (Citation: Rev. Stat. § 19-1-103)

### **Physical Abuse:**

*Abuse or child abuse or neglect* means an act or omission in one of the following categories that threatens the health or welfare of a child:

- Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either:
  - ❖ Such condition or death is not justifiably explained
  - ❖ The history given concerning such condition is at variance with the degree or type of such condition or death
  - ❖ The circumstances indicate that such condition may not be the product of an accidental occurrence
- Any case in which, in the presence of a child, on the premises where a child is found, or where a child resides, a controlled substance is manufactured.
- Any case in which a child tests positive at birth for either a schedule-I or schedule-II controlled substance, unless the child tests positive for a schedule-II controlled substance as a result of the mother's lawful intake of such substance as prescribed

### **Neglect:**

*Child abuse or neglect* includes any case in which a child is a child in need of services because the child's parent has failed to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

A child is *neglected or dependent* if:

- A parent, guardian, or legal custodian has subjected the child to mistreatment or abuse or has allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
- The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian.
- The child's environment is injurious to his or her welfare.
- A parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other necessary care.

- The child is homeless, without proper care, or not domiciled with his or her parent, guardian, or legal custodian through no fault of such parent, guardian, or legal custodian.
- The child has run away from home or is otherwise beyond the control of his or her parent, guardian, or legal custodian.
- The child tests positive at birth for either a schedule-I or schedule-II controlled substance, unless the child tests positive for a schedule-II controlled substance as a result of the mother's lawful intake of such substance as prescribed.

### **Sexual Abuse:**

*Abuse or child abuse or neglect* means any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution.

*Sexual conduct* means any of the following:

- Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals
- Penetration of the vagina or rectum by any object
- Masturbation
- Sexual sadomasochistic abuse

### **Emotional Abuse:**

*Abuse or child abuse or neglect* means any case in which a child is subjected to emotional abuse. *Emotional abuse* means an identifiable and substantial impairment or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

### **Abandonment (Citation: Rev. Stat. § 19-3-102)**

A child is *neglected* or *dependent* if a parent, guardian, or legal custodian has abandoned the child.

### **Standards for Reporting (Citation: Rev. Stat. § 19-1-103)**

A report is required when a responsible person's acts or omissions threaten the child's health or welfare.

**Persons Responsible for the Child** (Citation: Rev. Stat. § 19-1-103)

*Responsible person* means a child's parent, legal guardian, custodian, or any other person responsible for the child's health and welfare.

*Spousal equivalent* means a person who is in a family-type living arrangement with a parent and who would be a stepparent if married to that parent.

**Exceptions** (Citation: Rev. Stat. §§ 19-1-103; 19-3-103)

Those investigating cases of child abuse shall take into account child-rearing practices of the culture in which the child participates, including the work-related practices of agricultural communities.

The reasonable exercise of parental discipline is not considered abuse.

No child who, in lieu of medical treatment, is under treatment solely by spiritual means through prayer in accordance with a recognized method of religious healing shall, for that reason only, be considered neglected. The religious rights of the parent shall not limit the access of a child to medical care in a life-threatening situation.